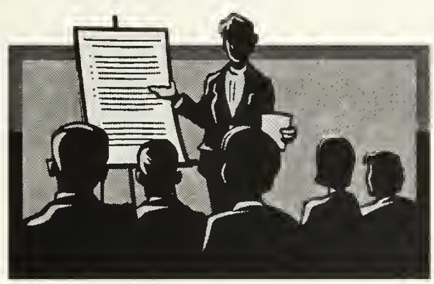
# Public Involvement Handbook



Techniques, strategies, responsibilities and organization for public involvement.

Montana Department of Transportation

MDT

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# Statement of Intent

This handbook is designed to function as both a manual for public involvement during project development and as the Montana Department of Transportation's (MDT) approved public involvement/public hearing procedures.

MDT's transportation process consists of three phases, planning, programming and project development. Public involvement during statewide planning, public comments received via all sources (i.e. meeting minutes, internet homepage feedback and responses to the 800 number), are considered in the planning process and can provide valuable insight in guiding public involvement plans for the project development phase. Public involvement gathered throughout the process will be considered and incorporated, as appropriate, in decisions made about Montana's transportation system.

Public involvement is mandated as part of the NEPA process and is desirable in enabling the public to understand issues. It's also desirabe because it engenders itself as a method to gather input in a useable format for decision makers and to provide the input to decision makers before a decision is reached.

# Statement of Purpose

## Our primary responsibility is service to the public.

We recognize we can't be all things to all people. But common sense and experience suggests public acceptance, support and confidence in decision-making can expedite project development. It will often mean better use of resources and better projects—projects that best meet the overall public interest.

It's the mission of the Montana Department of Transportation to ***"serve the public by providing a transportation system and services that emphasize quality, safety, cost-effectiveness, economic vitality and sensitivity to the environment."*** To reflect this, two of our most important goals are to:

- Be responsive, informative and open to outside involvement, and
- Communicate with the public and constituent groups and actively gather their input.

Simply affording the public an opportunity to comment isn't enough—we benefit by involving the public *in a meaningful way*. This is how we best answer our charge—how we conduct our business with the people we serve clearly in mind.

The process described in this handbook is intended to provide a means to foster meaningful involvement and address concerns early in the process, thereby minimizing controversies that stop projects and erode public trust. It's based on a fairly simple premise—that agency needs and awareness of basic human nature should drive the process, not statutory requirements.

This isn't to say statutory requirements should be overlooked—assuming for the sake of argument they even could be. But achieving the agency's mission—service to the public, providing facilities and systems in a timely way, accomplishing a clearly stated, well-thought-out purpose—today requires meaningful public involvement. And achieving this level of involvement requires that we recognize basic human needs—the individual's need to be recognized, for example, and to have some control over his or her lot in life.

The process described in this handbook is intended to change the way we work with the public. Giving early attention to a public involvement plan, making frequent informal contacts with interested individuals and groups, and concentrating on clear communications will improve the service we provide and improve the projects we build.

# Public Involvement Goals

The goals that follow are specific, achievable, and measurable. They were developed to help set a direction and aid your decision-making.

- Provide useful, timely information to the public throughout the development of projects- from planning, programming and preliminary engineering approval through final acceptance of the project by the District Engineer.
- Proactively seek public comment and involvement in planning and project develop ment.
- Facilitate open discussion of controversial issues.
- Respond to comments and suggestions so that useful ideas are incorporated in projects.
- Ensure public comments are heard and considered in studies, as well as in final decisions.


# Contents



*A bar next to a text block (like the one shown at the left) indicates that a specific action is required. The text will outline the action as well as the person or bureau responsible for the action.*

# The Public Involvement Plan

## Developing the plan

Each transportation proposal requires a public involvement plan tailored to the specifics of the project. Formulating the plan and putting it in writing is the responsibility of the lead unit, which is identified by the type of project being developed, working in concert with the District Administrator and the Public Involvement Unit.

The level of public involvement necessary to address the goals of this policy should be discussed at the preliminary field review. The level of public involvement—the public involvement plan—should be documented by the lead unit as part of the preliminary field review report and refined, if necessary, with help from the District Administrator and the Public Involvement Unit.

Many factors need to be considered to establish the level of public outreach and involvement that will likely be necessary on a given project. The decision will likely be based on a judgement call that must be made after analysis of both the probable scenario and a scenario where public interest is higher than expected. The plan should normally be based on the probable scenario, but a range of possibilities should be part of the discussion.

### Prior to your decision, consider the following at a minimum:

a. What's the potential for controversy?

b. Is it new alignment?

c. What level of environmental document will likely be necessary?

d. What's the potential and probable effect on the physical environment? The social environment? The economic environment?

e. How will population make-up and density affect the project?

f. Will there be changes in residential and business access?

g. What's the potential for changes in land use?

h. What are potential cultural impacts?

i. What are the likely changes in traffic operation?

j. What are the requirements of cooperating agencies for public involvement?

## Who does what? Responsibilities

The District Administrator has overall responsibility and final authority for this program. The Public Involvement Unit provides support services.

Numerous bureaus, sections, etc. carry out the various steps or phases of the program. The responsibility and initiative for carrying out these steps or phases rests with the area assigned the tasks listed in the next chapter. Recommendations for adjustments in the level or extent of public involvement may be made by the lead unit, the District Administrator or the Public Involvement Unit.

Keep written documentation of all public involvement meetings, whether they involve just one or two individuals or a larger group. Send copies of the documentation to the lead unit so that the information is part of the official record—the public involvement plan and a summary of the results of the public involvement effort are an important part of the environmental document.

It's incumbent on each unit with public involvement responsibility to keep the District Administrator or his staff fully informed and involved in all public involvement activity. Maintaining clear and open communications is important among co-workers, just as it's important between the agency and the public. Constant effort and attention is necessary to keep all the "players" informed.

It's also an obligation for the individuals with public involvement responsibilities to become familiar with the requirements of 23 CFR 771, FHWA's regulations on environmental impact and related procedures for complying with NEPA—the National Environmental Policy Act (incorporated here by reference). An Appendix in this handbook contains minimum periods for hearing notices. Flow charts are also included, with references for specific sections of 23 CFR 771 pertaining to the public involvement process.

For projects requiring an EIS, public involvement in scoping the issues, identifying alternatives, and determining the significant issues for full disclosure in the environmental document is a critical portion of the NEPA process, and must be summarized and disclosed in the EIS. A record of meetings, attendance and comments must be included in the summary. This summary is presented to the Highway Commission for consideration prior to approval of a project.

## Consultant design and "Turn Key" projects

Responsibilities outlined in the Appendix are for in-house projects. For consultant design projects, responsibilities must be spelled out in the consultant contract. For the most part, as much of the public involvement program as possible should be assigned to the consultant. The consultant, in turn, must keep the District Administrator informed.

On "turn key" projects where most or all project development responsibility is turned over to a city or county by project agreement, it's the responsibility of the city or county, or their consultant, to conduct all public involvement activity. The District Administrator should be informed of all public meetings and will be available to assist, on request. And again, assistance and counsel should be sought from the Public Involvement Unit to assure the goals of the program are being met. MDT's District Administrator is responsible for monitoring turn key project public involvement to ensure it complies with approved procedures.

## Four levels of involvement

Consider the following in selecting an appropriate level of public involvement. *Level A* is intended for the simplest project where little or no public involvement is anticipated and decision making will likely be clear-cut. *Level D* envisions complex projects where a high degree of public involvement is essential to successfully complete the project.

**These are only suggestions.** The actual plan may well include a combination of items from two levels. As you develop your plan, keep the goals presented earlier in this handbook in mind and reference them throughout the development of the project to ensure they're being met.

**It's important we don't under-react and fail to anticipate the needs for public involvement and information,** just as it's important we don't overreact and build more into the process than is reasonably required to meet the goals we've set.

**The plan should remain flexible**—at any point during project development additional items may need to be added to keep the public informed and involved.

**This is not intended to be a fail-safe process**—changes are bound to be necessary on some projects. At the same time, it's very important to be proactive and not just reactive—to anticipate needs and provide for them in order to consider and address public concerns throughout the process.

The lists that follow are explained in detail in the next chapter. While the categories roughly parallel the various levels of environmental documentation, i.e., the categorical exclusion, environmental assessment and environmental impact statement, they won't necessarily go hand-in-hand. The issues, the interests of the public, or other agencies interests or concerns may make a more extensive public involvement process helpful or necessary.

### Level A

1. News release explaining the project and including a department point of contact.

### Level B

1. News release explaining the project and including a department point of contact. Alternatively, contact with a newspaper or papers serving the area to develop a story and graphics that explain and illustrate the proposal. Radio and TV contacts.
2. Personal contacts with local government officials, interest groups.
3. Personal contacts with adjacent landowners explaining final design.
4. Construction notification and information during construction.

### Level C

1. Letter of Intent and News Release explaining the project and including a department point of contact. Contact with a newspaper or papers serving the area to develop a story and graphics that explain and illustrate the proposal. Radio and TV contacts.
2. Personal contacts with adjacent landowners at the time of right of entry and preliminary right of way report.
3. Personal contacts with local officials, interest groups and other organizations.
4. Public information meeting to present basic concepts/information and seek input.
5. Public hearing.
6. News account of the public hearing.
7. News release announcing the decision.

8. Personal contacts with adjacent landowners explaining final design.
9. Construction notification and information during construction.

### Level D

1. Notice of Intent and News Release. Schedule contacts with a newspaper or papers serving the area to develop a story and graphics that explain and illustrate the proposal. Radio and TV contacts. Federal Register Notice of Intent (projects requiring EIS.)
2. Establish "advisory committee" to guide the study.
3. Establish inter-disciplinary (ID) team.
4. Personal contacts with adjacent landowners for right-of-entry and preliminary right-of-way report.
5. Personal contacts with local government officials, interest groups and civic organizations.
6. Scoping meetings:

   - Public meeting to determine the scope of the issues.
   - Public meeting to identify possible alternatives.
   - Public meetings on findings and significant issues.
7. Personal contacts with landowners, government officials, interest groups during EA/EIS preparation.
8. Public hearing.
9. News account of the public hearing.
10. Personal contacts with landowners, government officials, interest groups explaining decision, alternative.
11. News release announcing the decision, selected alternative. Or contact with a newspaper or papers serving the area to develop another story and graphics that explain and illustrate the decision. Radio and TV contacts (or news release, depending on the level of interest).
12. Personal contacts with adjacent landowners explaining final design (construction limits, approaches, etc.)
13. Construction notification and information during construction.

# Detailed Steps and Responsibilities

## Letter of Intent and/or News Release*

The letter of intent and/or news release are an important early step in notifying the public of our intention to improve a transportation facility. If we can get their attention with this early notice and set a tone that encourages open communication, public and official involvement in project development will begin earlier and be more productive.

*The lead unit- Road Design, Traffic Section, etc - prepares the draft Letter of Intent and/or News Release and submits it to the Public Involvement Unit Bureau and the District Administrator for review prior to distribution.*

**In order to set a tone that encourages communication:**

- The letter needs to be written in a style that's less formal than more usual government correspondence. There are numerous ways to set a less formal tone, but in general write your message as you would say it to someone in an informal setting (like over a cup of coffee). In other words, write it as you'd say it.
- Be as brief as possible, without eliminating necessary information. The correspondence must be easy to read and understand—write for a general, non-technical audience, for someone who may know nothing about engineering or project development.
- Don't use abbreviations and acronyms. Stay away from jargon—terms that have special meaning in project development or that don't make any sense to a layman.
- Use contractions at every opportunity. Say "It's our intent to develop" and "We'd like to hear from you", rather than "It is our. . . " and "We would like. . ." Contractions are one of the easiest ways to set a less-formal tone in your writing. And a less formal tone is one key requirement for success.
- Be sure the letter and news release address the question "Why?". For instance, "(we) propose to improve safety and replace the worn-out pavement by reconstructing and widening the roadway" or "(we) intend to make improvements in response to traffic congestion and safety issues."

There are numerous other tips for improving correspondence in the department's *Readable Writing Handbook*. If you don't have one, copies are available from the Purchasing and Supply Section free of charge. The Public Involvement Unit can also help with difficult writing chores.

A sample letter of intent follows on page 12. An example of a news release is presented on page 32.

* A Letter of Intent is necessary only if the project requires an EIS in accordance with 23 CFR Sec. 123 para (a).

September 8, 1992

Subject: Proposed Transportation Improvement Project
US 93, Hamilton-Lolo (NH 7-1(52)49)

The Department of Transportation intends to plan and develop a project or projects to improve travel between Hamilton and Lolo and we'd like to hear your comments and suggestions.

US 93 from just north of Hamilton to the intersection with US 12 in Lolo, a distance of about 35 miles, is the subject of our study. A map is enclosed.

In addition to studying ways to improve the highway in response to traffic congestion and safety issues, we'll study alternatives to the single occupant vehicle such as commuter rail lines, bus service and van pools. And we'll investigate strategies to manage demand—to encourage and facilitate use of the corridor at times other than those when use and congestion are highest.

This study, public involvement and preparation of an Environmental Impact Statement is expected to take about two years. Although no firm schedule has been set, initial steps, including a spot survey of road users and establishment of an advisory committee, have already been taken.

We'd like to hear from you—opinions or suggestions, comments on environmental matters, problems this project could cause or eliminate, plans that could be affected or any other matter you feel is appropriate. In addition, if there's anyone you feel should be contacted who isn't on the attached list, please let us know.

Dennis J Unsworth, Chief
Public Affairs Bureau

Enclosures

SAMPLE

# Sample Letter of Intent

# Notice of Intent

On projects requiring an Environmental Impact Statement (EIS), federal Council on Environmental Quality (CEQ) regulations and Title 23 require that a Notice of Intent is published in the Federal Register as soon as practicable after the decision is made to prepare an EIS and before the scoping process.

*The Notice of Intent is filed by the Federal Highway Administration. Information on preparing the notice is found in FHWA Technical Advisory T 6640.8A.*

# Advisory Committees

An advisory committee may be formed as another means to receive and disseminate information. They're not decision-making bodies, but they can provide an important two-way communication link between the department and the public. Meetings with the advisory committee are an opportunity to discuss problems in detail with a small group of interested people. These people, in turn, talk to many others in the community. The result can be better public understanding of difficult issues. The committee can also provide a focal point for discussions in the community.

*Advisory committees are established in the early stages of a project by the District Administrator at the request of the lead unit. It's the DA's responsibility to outline the advisory committee's role so that everyone understands their function.*

**Members should be local citizen volunteers representing constituent groups, such as:**

- City/county governing body
- Planning groups
- Neighborhood councils
- Chambers of commerce/industry
- Fish or wildlife organizations
- Environmental organization or land use organizations
- Transportation user groups
- Other interest groups

Advisory committee members should be from groups as diverse as cycling enthusiasts to law enforcement officers.

## Advisory Committees - cont'd

On some projects with unique problems or circumstances, it's advisable to invite local representatives of state and federal agencies to participate. Some agencies, particularly regulatory agencies, may have other formal procedures for participation, scoping or approvals. Be sure you're aware of these requirements.

Membership on the Advisory Committee should include a balanced group that will represent all sides of anticipated issues. Balance is important—"loading up" the committee with one side or another or failing to include broad, as well as specific interests, could well be counter-productive.

## Interdisciplinary Teams (Cooperating Agencies)

*The Environmental Bureau establishes the ID TEAM at the request of the lead unit and in consultation with the FHWA and the District.*

The Interdisciplinary Team (ID Team) is formed to identify, analyze and deal with issues and impacts on projects. The ID Team is comprised of individuals representing cooperating agencies, individuals with needed expertise and representatives of well-organized groups with special expertise, such as the Audobon Society. By bringing cooperating agencies, experts and group representatives onto the project development team, everyone has an opportunity to obtain an in-depth understanding of the purpose and need for a project and can contribute information and ideas as the project develops.

While members represent various disciplines, they are expected to interact in their deliberation. The interaction of the team is an intricate and important part of the process because it's often necessary to evaluate and mitigate impacts resulting from competing interests and resource conflicts.

The cooperating agency representative should be asked to do his or her part by assuring that agency responsibilities associated with the project are fulfilled. This is particularly important for agencies that have jurisdiction by law—that agency can, by exercising its jurisdictional authority, prevent the project from advancing if it does not agree that issues have been adequately addressed. All agencies with jurisdiction, by law, must be asked to become a cooperating agency (23 CFR 771).

**MDT procedures must satisfy the public involvement requirements of the other agencies and each agency should be asked about their public involvement requirements. The MDT public involvement process should be tailored to meet those needs, while keeping the goals spelled out here clearly in mind.**

An open and frank discussion of issues allows agencies and individuals to become well-versed on competing interests and values, in addition to those issues over which they exercise jurisdiction.

Consensus is one of the goals of the ID Team and consensus can only be achieved if everyone is fully informed. The MDT representative on the team must make sure that individuals and cooperating agencies actively participate and are aware of the competing needs that shape decisions.

Because the ID Team deals with issues and impacts, contacts with affected agencies and individuals during the preparation of the environmental document is an important part of the team's work. This is covered in the section titled "Personal Contacts With Landowners, Government Officials & Interest Groups During EA/EIS Preparation" on page 22.

*The ID Teams should play an integral role in the public meetings by attending, receiving and recording public comments. They should receive a summary of the results in advance of distribution to the general public, if possible. Early and frequent interaction between the department and the ID team enables team members to assist the public involvement process.*

## Personal Contacts with Landowners

Personal contact is one key to a successful public involvement program. Early in project development and before any field work is done, each landowner should be contacted in person by someone knowledgeable to explain the purpose and need for the project and the project development process.

- *Right-of-way agents will make these contacts.*

This person will also explain the right-of-entry requirements and request. The agents hand out informational brochures and discuss how the project might affect the landowner's property, as well as trying to determine if plans for use of the property might affect the project.

## Personal Contacts with Officials, Groups and Individuals

- *The District Administrator is responsible for these contacts.*

Again, personal contacts are one key to meaningful public involvement. As a rule, less formal meetings are more productive than formal ones—the most important thing is to share information and receive ideas and comments.

Consider informal meetings with local officials or interest groups on neutral territory—a local cafe or coffee shop, for instance. Or arrange to attend a regularly-scheduled meeting of their group or organization.

Be prepared with a specific list of things you want to cover (to help ensure you accomplish what you intend to). Discuss what's planned and listen carefully to the responses. Take good notes, either during or just following the meeting, so that the results of the small group discussion will be available in the broader, public discussion and will be open to public scrutiny. Documentation of these meetings should be part of the environmental report.

Of course, more formal meetings are required at times. But again, you should try to keep your presentation or discussion as informal as conditions allow. Give plenty of opportunity for the people you're meeting with to ask questions. Listen carefully. Don't discount ideas or suggestions out-of-hand—make a sincere effort to listen and incorporate ideas where they potentially have merit. And even ideas that can't work deserve a clear, complete response. If these ideas keep recurring, put your response in writing and make sure it gets out to the public.

Along the same lines, it's important to actively seek out those individuals and groups who oppose the action. These people need to be listened to and responded to in a way that furthers understanding on both sides and seeks to resolve conflicts.

Consider a session with a trained facilitator if you fear meetings will be too confrontational to be productive. Facilitators are well worth the time and effort where disputes, mistrust or confrontation are likely. Contact the Public Involvement Unit or Organizational Development.

If opposition is not heard and involved, any discord between agencies or between the agency and the public can effectively slow or stop projects. It's one goal of this program to be proactive. Issues not dealt with or left until the last minute can "blow up."

## Public Information Meetings

The purpose of the information meeting is to share information and seek input on a project. They're used when a formal meeting or hearing isn't required, but a meeting with the public might be helpful.

When projects have been "on the shelf" or otherwise delayed or when there's been a change in scope of work, an information meeting may be warranted.

The format of the meeting is important and should be considered carefully. See Chapter 3 - Meeting and Hearing Formats.

*The District Administrator and lead unit are responsible for initiating public information meetings and work with the Public Involvement Unit to determine a suitable and effective format.*

# Scoping

Scoping is a formal information exchange that's an essential part of the process on projects requiring an EIS. Scoping must begin early in the project development process—it's required by the law. Scoping may also be used on projects processed with environmental assessments and categorical exclusions. (Scoping is described in 40 CFR Section 1501.7, CEQ Regulations and 23 CFR 771).

*The lead unit has responsiblity for scheduling and carrying out scoping. Get help from the Public Involvement Unit in preparng public notices and conducting meetings. The District Administrator will assist in finding a site for the meeting.*

Cooperating agencies should be asked to participate in scoping. Therefore the first cooperating agency meeting must precede the scoping process.

## The objective of the first cooperating agency meeting is to:

1. Determine the needs and regulatory requirements of the cooperating agencies.
2. Allocate assignments for preparation of the environmental document among lead and cooperating agencies, with the lead agency retaining responsibility for the statement.
3. Identify other environmental review and consultation requirements so that the lead and cooperating agencies may prepare other required analysis and studies concurrently with, and integrated with the environmental document. This includes related surveys and studies required by the Fish and Wildlife Coordination Act, the National Historic Preservation Act of 1966, the Endangered Species Act of 1973 and other environmental review laws and executive orders.
4. Identify what permits and clearances are necessary.
5. Set a date for the next meeting.

## Public scoping is divided into three parts:

- Public comment on the scope of the issues
- Public comment on alternatives
- Public comment on findings and significant issues

## Public Meetings to Determine the Scope of the Issues

### Objectives of this scoping meeting are to:

1. Involve the public, federal, state, local governments and Indian Tribes in the initial planning for the preparation of an environmental document for a project;
2. Determine the scope of the issues to be considered for the specific project areas, and the depth of the analysis required in the environmental document;
3. Develop a mailing list of interested individuals and organizations who should be individually informed about meetings or information mailings on the project.

### Before scoping meetings are held, the following information should be provided to the public:

1. A brief statement of the purpose and need for a project in a specific location;
2. A request for public assistance in determining the scope of the issues to be considered in preparing the Environmental Impact Study;
3. Information on the date, time, place and type of public meeting to be held;

## Scoping Meetings - continued

*Follow up by issuing a press release summarizing the results of the meeting, and emphasizing the high points or important issues raised by the public. Or better yet, contact the newspaper or papers serving the area. Have a list of important issues and high points and work with the paper to develop a story and graphics that explain and illustrate the proposal. Make radio and TV contacts, where that's appropriate. This bit of extra effort will greatly increase public exposure to the project and broaden public involvement.* *(see page 25 for more detail)*

## Public (Scoping) Meeting to Determine Alternatives

The objective of this meeting is to get public participation in identifying alternatives or the various ways the purpose and need for a project can be met. If a range of alternatives has already been identified, they should be presented and public comment received on them. Alternatives may include various alignments or options and features, other means of transportation, or reducing the demand or need for a project.

Before the meeting is held, basic information on dates, location, time, type and contacts (as above) are mailed to those on the distribution list and notices to the public. The public is requested to participate in identifying alternative means to fulfill the purpose and need for a project.

### The agenda for the alternatives public meeting should include:

1. Handouts summarizing the public comments at the scope of the issues meeting.
2. Handouts describing and depicting any alternatives identified to this point.
3. Copies of the purpose and need handouts distributed at the previous meeting for those attending for the first time.
4. A public presentation briefly restating the purpose and need for the project; identifying the scope of the issues to be addressed in the environmental document as determined in the previous meeting; describing any alternatives considered at the present time, and inviting public comment on those alternatives, and asking for any additional alternatives the public wants considered.
5. Mechanisms for recording public comment and revising a mailing list of interested persons should be determined by previous success or failures. Continuously be alert for ways to improve on what you're doing.

*Follow up with a press release or conference on the public comments received and alternatives identified.*

## Public (Scoping) Meeting to Determine the Significant Issues

The objective of this meeting is to have public comment on, and seek consensus on which of the issues and alternatives are significant enough to warrant full discussion or analysis in the EIS. The results serve to focus analyses, including revising scopes of work as necessary on the most important issues, finding answers or solutions to the most pressing problems, or identifying mitigating measures for impacts that cannot be avoided.

Before the meeting is held, basic information is mailed and announced and the public is invited to participate in determining the significant basics for the EIS.

### The agenda for the Significant Issues meeting should include:

1. A written summary of public comment on alternatives to be handed out;
2. Extra copies of previous handouts for those attending for the first time;
3. A brief statement of the purpose and need for a project;
4. A brief summary of the scope of the issues and the alternatives as determined in previous meetings; and
5. Information on the findings of environmental and engineering analyses. This information should be relevant to the scope of the issues and the alternatives;
6. Identification of which issues and alternatives appear significant enough to warrant further study and/or full discussion in the EIS.

*The public is requested to comment on the findings and the significance of the issues.*

## Personal contacts with Landowners, Government Officials and Interest Groups during EA/EIS Preparation

*The individual representing the Department on the Interdisciplinary Team is responsible for these contacts.*

Personal contacts with affected agencies, land owners and interest groups is a necessary and important part of public involvement. There's no prescribed timetable or method for these contacts, but the charge is to find the issues, analyze them, and find answers—before they become problems that consume so much time and resources.

ID Team Members are invaluable in this process. Many times contacts are initiated because of a need or issue identified by the ID Team. The key is to immediately analyze each issue and take whatever action is needed.

- Don't wait until the next scheduled meeting and give the issue a chance to become fraught with misinformation and speculation.

- Don't discount ideas or suggestions out-of-hand, listen carefully. If you've determined an idea has no merit, make sure you're clear and complete in your response. If the issues are recurring, seek help from the Public Involvement Unit.

- Don't let dealing with issues be a point of frustration. Recognize your frustration and do something about it, since frustration can interfere with the work you need to do.

Dealing with issues is the ID Team's job. Each issue, even if it's the same issue for the tenth time, must be dealt with fairly and promptly. This is the challenge, and it's what public involvement is all about.

When issues emerge that require the attention of someone with expertise and/or authority in a given field, that person may be asked to make the necessary contacts to resolve the issue. Or the ID Team may decide to form subcommittees to work on specific issues. For example a subcommittee of individuals with expertise in biology could be formed to work on a Threatened and Endangered Species issue. Or the biologist may be asked to meet with an interest group or individual to answer questions and seek feedback. Someone from the Urban Section may be called on to help with an issue involving local government.

**As stated earlier, it's important to actively seek out those individuals, groups and agencies that may be concerned about or opposed to the project. They must be a part of the process and must be heard. When people believe they aren't being heard, they turn to other means outside the formal process to make themselves heard. This process is intended to be "inclusive" and proactive, so that issues and concerns can lead to solutions.**

## Project Delays

Priorities change and sometimes projects are set aside, while others of higher priority are pursued. And of course, inactivity causes the public and landowners affected by the project to wonder what is going on.

Land owners have a special stake in the outcome of transportation decisions, since they may want to make improvements, sell or purchase property, or any number of things.

Everyone affected should be kept informed about the status of project development. When a considerable amount of time has passed since the last public involvement effort (one year), distribute a status report to keep people informed.

## Public Hearings

Public hearings are meetings that must meet certain legal requirements. The requirements are primarily to ensure people are notified and given a good opportunity to comment. They must meet the requirements of 23 CFR 771.111(h)(1).

Public hearings are held after the release of the draft environmental document and before the formal decisions on a project EIS are made. They're most effective as part of an overall public involvement program in which they offer the public a final opportunity to comment just before decision making.

> *The lead unit has responsibility for scheduling and carrying out these meetings. Assistance should be sought from the Public Involvement Unit staff in preparing public notices and conducting the hearing. The District Administrator should be asked to assist in scheduling and finding a site to ensure the schedule and location are appropriate.*

At the request of the lead design group, the Public Involvement Unit makes arrangements for a hearing, considering such factors as:

- Convenience of the location.
- Accessibility (consider all accessibility issues including ADA requirements).
- Good attendance—consider possible scheduling conflicts with other events in the community, for instance, and accommodations for varying work schedules in urban areas or other areas where unusual scheduling may be necessary.
- Suitable meeting format. The room itself should be conducive to conducting a meeting where free and open discussion is possible.

*Advertising messages like this are used to get the word out.*

The Public Involvement Unit uses notices, news releases and mailings to encourage anyone interested to participate in the hearing. The hearing should be conducted using a format that will help encourage participation.

The Public Involvement Unit maintains a list of media outlets for news releases and notices, including those serving minority groups.

The Public Involvement Unit will also keep a list for individual projects of groups, agencies, adjacent landowners, adjacent residents and interested individuals who have requested they be contacted on particular projects, types of projects, or projects in a geographic area.

*The Public Involvement Unit will prepare and distribute a record - either a summary or transcript - following the hearing. Legal Services will submit the necessary certification to the Federal Highway Administration (23 CFR 771.111(h)(vi)).*

## News Account of the Meeting or Hearing

*The Public Involvement Unit will assist in seeking news coverage immediately following the meeting/hearing.*

The news coverage is to inform the public of the discussion and issues presented at the meeting/hearing. This should be accomplished through a news release, a discussion between the lead agent or district staff and a news reporter, or both. The intended result is a news account of the meeting/hearing.

More people are likely to read about the results of a meeting or hearing than usually attend those events. So a news account that covers the important and interesting details of the purpose and need for a project and the meeting or hearing can do a great deal toward ensuring the public has the opportunity to be informed and become involved if they'd like.

A news release can accomplish this, but usually it's more effective to call or meet a reporter who can cover the story.

A news release or statement, if written in a format and style that's suitable for the medium—newspaper, radio or TV—will be very helpful in seeing that a meeting or hearing is described in terms that help the department achieve its goals. These news releases can be very helpful, since they make the reporter's job easier. To do this, tone, style and the language all need attention.

The tone should be somewhat informal—describe things as you would describe them to someone in person in an informal setting.

## News Account - continued

**The format should keep in mind the needs of the medium you're working with.**

**In general:**

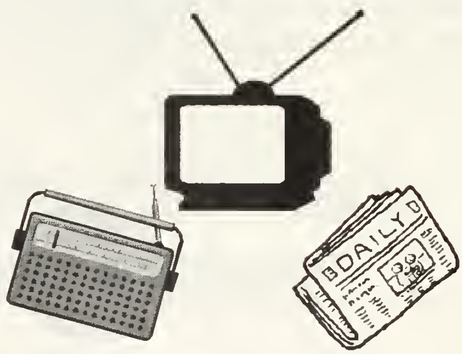
- Newspapers cover more detail and can include graphics, such as maps or diagrams.
- Radio news requires a shorter story, but radio can often use a live interview or tape an interview for airing later—a good opportunity to explain and to provide for interaction.
- Television requires graphics. The story is generally very brief, so only the bare details can be covered. But TV reporters will want to shoot video footage and it's important to be prepared with ideas about where their camera crew can get interesting footage. Don't expect TV stations to accept footage we shoot ourselves—that almost never happens.

Most important—use lay terms, common language, to describe what's going on. It's difficult, but essential, to get your message across. If you're planning to make a presentation to the public or a reporter, have a small group of your peers or a co-worker listen to your presentation and highlight words or phrases that won't mean much to the general public. Then find other terms to describe those things.

## News Account of the Decision

*Following formal Highway Commission action, the Public Involvement Unit will prepare and distribute a news release announcing the decision.*

*News accounts of meetings or hearings using appropriate media such as newspaper, television or radio help inform a broader section of interested people.*



## Personal Contacts Following a Decision

Following a formal decision by the Department, Highway Commission, FHWA, etc., it's important to communicate that decision and the reason for the decision to all interested and affected landowners, officials and groups.

Do this by speaking to civic groups and other interested groups and meeting with County Commissioners and Mayors, as well as affected landowners. Actively seek out individuals or groups who may oppose the decision.

■ *The District Administrator has responsibility for carrying out this activity.*

## Personal Contacts-Final Design

*The right-of-way agents make these contacts as they start the appraisal process. They should obtain assistance from the district staff as necessary.*

At this time, the agent contacts the landowner in writing, then arranges for a meeting to discuss the plans, scheduling and construction features of the project. The agent often accompanies the landowner on a tour of the property where impacts are likely.

## Construction Information

Special Provisions made part of the contract include requirements for a specific construction notification and information plan.

**The plan may include a combination of the following features:**

a. Weekly (or regular) meetings with affected businesses and landowners.

b. Posters, brochures or other handouts (with a simple map) to distribute in the project area.

c. Changeable message signs.

d. Travel advisory radio—low wattage public information radio stations.

e. Weekly (or regular news releases or paid advertisements to newspaper, radio and TV.

f. Telephone answering machine with recorded message to receive complaints or comments to be acted on. The responsibility for acting on these complaints or comments should be clearly described in the special provisions.

*The contractor and the district conduct this activity. Assistance can be sought from the Public Involvement Unit to devise an effective plan.*

# Meeting and Hearing Formats

The program outlined in this handbook is aimed, in part, at shifting focus from the common, formal public meeting to:

- less-formal meetings with small or medium-sized groups,
- one-to-one communication, and
- effective, productive use of the news media.

This shift will help us do a better job of getting our story out to the public and gathering information and good ideas.

Granted, there will always be a place for the public meeting. In some instances they're required, and the dynamics of bringing the community together to discuss issues of importance to the whole community can be positive and productive. What's more, they're somewhat of a tradition in a democracy.

Still, chances are, relying solely on a formal meeting or hearing for meaningful public involvement simply won't work. If they're held at the end of the process and not accompanied by any other opportunities to participate, citizens will feel that their concerns can't be addressed because they're heard too late. And rightly so.

Even if they're held at an appropriate time in the course of developing a project, it's difficult to get all interested parties to a meeting. Unless there's a great deal of controversy or a great deal of local support, poor attestating what it is you need to accomplish—your purpose for holding the meeting. Why are you doing what you're doing? Be specific. Discuss it among the project team so that everyone is aware of this purpose. Write it down—that will help ensure it's clear, it'll help guide your preparation for the meeting and will give you a means to measure your success.

## State Your Purpose

Begin planning your meeting by deciding and clearly stating what it is you need to accomplish - your purposr for holding the meeting. Why are you doing what you're doing? Be specific. Discuss it among the project team so that everyone is aware of this purpose. Write it down - that will help ensure it's clear, it'll help guide your preparation for the meeting and will give you a means to measure your success.

For instance, an early informational meeting may be intended to explain to the public what the agency is doing or proposing to do and why. And to find out what the public thinks of the proposal and what related issues should be considered.

The formal hearing is likely intended to meet legal requirements or 23 u.s.c. 128, 23 CFR 771.111(h), 23 CFR 771.119, 23 CFR 771.123 and 40 CFR 1506.06. It provides the public a final opportunity for input into formal NEPA decisions which are to be made on selecion of the environmentally preferred alternative, mitigation and enhancement.

In each of these examples, simple objectives clearly stated offer clues about how to proceed. For instance, in early meetings explaining to the public what the agency is doing requires that knowledgeable people be on hand. These people must be ready to answer questions, even if it's just to say "we don't know yet, but we intend to find out."

Be prepared to explain what's been identified as the purpose and need for the project, what activities come next and what the time frames are. People will want to know who makes the decision when there are alternatives, such as routing or scope of work.

Likewise, in order to find out what the public thinks, we must first get them to the meeting.

- Notices need to be prominent and clearly state what's going on.
- Date, location and time must be convenient.
- More than one session may be necessary—consider offering to meet individually with those who can't attend for some reason. Some people will be more comfortable discussing things on the phone. Make it convenient for them. Be accessible.
- Key participants should be contacted personally. If they can't attend, someone should arrange to talk to them individually. If it's important that they be *at the meeting*, consider changing the meeting to accommodate their schedule, or arrange to have someone in authority there on their behalf. Flexibility is necessary, especially when it's clear there's a real need that must be met.

The meeting must be set up in a way that people feel comfortable commenting. Agency representatives must come prepared to listen. If there's a stage or dais, don't use it. . . having agency representatives separated from the public or looking down on them just aggravates an "us versus them" tone that gets in the way of productive communication.

Consider refreshments. Offering coffee and cookies (or cake or pie or ice cream) is a tried and true inducement to get people away from what they'd like to do with their evening and get them to your meeting. Make it part of the advance publicity. If a local club or church group is available to handle refreshments, all the better—smiling faces and home-baked goodies will set a little friendlier tone for the meeting and you can still get your important work done.

If the meeting is required, for instance a scoping meeting prior to developing environmental documentation, then certain requirements need to be met on the amount of lead time for the notice, etc. See page 18 for a list of items that need to be covered in scoping meetings. Guidelines and requirements for lead time on public meeting/hearing notices appear on page 42.

Whether we're raising issues or explaining decisions, to be useful and helpful they must be translated into lay terms—"plain english." Someone, for instance the moderator, must be responsible for seeing this happens. If an engineer, planner, or other spokesman or specialist forgets who they're talking to and starts using technical terms, the moderator needs to restate the message in simple terms. And the usual "engineering presentation" is no exception—if the presentation isn't made in plain english in a way that even your brother-in-law or Aunt Matilda can understand, then we're not doing our job.

## State your Purpose - continued

If an answer isn't available or isn't entirely clear, someone needs to commit to following up. That answer should be included in the summary and in news coverage following the meeting.

If they're done well, pictures and charts help. If your charts look like the ones prepared for in-house use or project plans, look out! To be useful, charts must be understandable to a general audience. Their purpose should be clear and their message or point should be obvious. For help with these presentation materials, contact the Public Involvement Unit.

## Two Types and Some Combinations

For convenience, try thinking of meeting types in two categories: the traditional format, and the open house or walk-in session and related "open-forum" format. Combinations of the two have been successful in some cases, but they must be well thought-out and carefully planned.

**The traditional meeting** or hearing is appropriate at times since some people are very comfortable with this arrangement. Key to making this style meeting effective is keeping the session informal—pay attention to the setting of the room, keep presentations short, but informative, ask questions early and try to get some give-and-take going early in the meeting. Refreshments and a break make a good opportunity for questions and one-on-one. If the group reconvenes briefly after that, you can recap issues that come up and field more questions. (The presentation needs to be made, but it's the give-and-take where we learn what issues people want to know about and hear ideas that can improve projects.)

**The open house format**, informal walk-in sessions and the more elaborate "open format hearing" have become common and well-liked. The advantage is they're informal to a large degree, by nature, and provide a range of options facilitating involvement. Agency staff are on hand for an extended time period so people can choose whether to attend during the day or in the evening. The informality makes communication easier—people feel more at ease to ask questions and offer comments.

Care needs to be taken so all the comments are accurately recorded.

Consider that the open forum meeting/hearing can improve the quality of input we receive, especially when there are more than just a few issues and when people are expected to have many questions and concerns. This type meeting/hearing is useful to identify the breadth of issues people are concerned about. They're especially helpful on high-visibility projects, since it's likely many people will be interested enough to attend and there may be rumors to answer and many more comments to take than can reasonably be handled in a traditional setting. Further, some people aren't comfortable standing up to a microphone and addressing a group. These people very likely have something to contribute and the open forum format is meant to accommodate that by making it easier—through small group sessions or one on one sessions with project staff.

The open forum format is characterized by a floor plan that both accommodates the hearing as legally defined and meets the need or desire to exchange information and understanding in a practical, productive way. An open forum meeting is arranged much like an open house. It's intended to give people who work shifts or aren't otherwise able to attend a more structured meeting better opportunity to attend. It also allows those worried about speaking in front of a group a chance to comment and ask questions in a more "friendly" setting.

To illustrate how productive this type of meeting can be, consider that the state of Georgia has been using this approach for over a decade now. At traditional hearings they found about 12 percent of those attending submitted comments. At the open forum hearing, 62 percent submit comments.

There are many, many issues and needs to consider in determining a meeting style. Guides and materials are available and counsel and assistance is available from the Public Involvement Unit. If you intend to use a combination of styles, or plan to use an open-forum format meeting, consult with the Public Involvement Unit. Careful planning and some extra input will be required to ensure we meet both our goals and our obligations under the law.

## Did Your Meeting/Hearing Measure Up?

Debriefing or recapping the results of a meeting sometime soon after the meeting is held will help MDT get the most from your efforts. As part of the post-meeting review, answer these questions:

- Did you accomplish what you intended? For instance, does the public know now what you're doing? Did you hear what they think about that; i.e., how did they respond? How will their involvement influence what you're doing?
- Did the audience represent individuals and groups you expect will have an interest? (If not, best get started contacting them.)
- How do you *feel* about the meeting? How do you expect the public *feels* about it? These feelings are bound to affect the development of the project and it's best to get working now on "unease", whether it's on the public's part or that of the agency.

# Appendix A—Sample PI plans

## Level A Public Involvement Plan (*example*)

Based on the presently anticipated scope of work for this project, only a news release will be issued on this project. If the scope of work changes, this plan may be adjusted accordingly.

For immediate release
July 25, 1996

For further information, call:

| | |
|---|---|
| Jason Giard | (406) 494-3224 |
| Dave Dreher | (406) 444-6245 |

**Roadside safety project planned**

Plans are underway to reduce the number and severity of accidents at three locations in the Helena area, according to the Montana Department of Transportation.

The first location is on US 12 at the intersection of Montana Avenue and Butte Avenue in Helena. Plans feature installing raised traffic islands on Butte Avenue, and signs and pavement markings to restrict left-turn and through movements from Butte Avenue.

Also on US 12 at the intersection of Fourth Street in East Helena, plans include installing a right-turn lane on Fourth Street and an acceleration lane on the north side of US 12.

The third location, just outside East Helena on US 12 at the intersection with Secondary 518, a raised traffic island, stop bars and signs will be installed.

Plans should be completed by August 1996 with construction beginning in the spring of 1997.

Your comments are an important part of the process. Please submit any questions or concerns to Jason Giard, District Engineer, PO Box 3068, Butte, MT 59702-3068, phone (406) 494-3224, or Dave Dreher, Public Affairs Bureau, PO Box 201001, Helena, MT 59620-1001, phone (406) 444-6245.

For the hearing impaired, the TDD number is 1-800-355-7592.

STPHS 0002 (219)
Control number 3075

# Level B Public Involvement Plan (*example*)

Based on the presently anticipated scope of work for this project, the public involvement plan will follow the steps listed below. If the scope of work changes or if there is a significant amount of controversy, this plan may be adjusted accordingly.

## Public Involvement Plan
## Red School - Riverside
## STPHS 8-2(77)44

**Step 1**

A news release describing the proposed scope of work and need for the project will be prepared and sent to the appropriate media within the next month.

**Step 2**

The District Engineer will meet with the County Commissions at least twice to discuss and explain the project. The first meeting will be held within the next 6 weeks and the second one sometime prior to completion of the plans.

The D.E. or his staff will also meet with the appropriate officials of the School to discuss and explain the project. This meeting should be held within the next 2 months. Additional meetings will be held if requested by the school or deemed appropriate by the District Engineer. If there are other organized groups that are interested in the project, the District Engineer shall meet with them as requested or as deemed appropriate.

**Step 3**

It appears that the need for new right-of-way will be limited to 2 small areas on this project. As plans develop, this could change. Right-of-Way agents from Butte or Helena will contact the landowners where the need for right-of-way is anticipated and explain the project and the possible need to enter on their property for survey work. The agent will request the landowner to sign a right-of-entry permit if needed.

Once the design is well along and plans are available, right-of-way agents shall contact and visit all of the landowners adjacent to the project to explain the work to be performed and the overall design of the project.

SAMPLE

# Level C Public Involvement Plan - Environmental Assessment (*example*)

## Public Involvement Plan
## Willow Glen - Urban
## NH8 - 4 (88) 250 F

### Overall Mission and Objectives

The overall mission of the public involvement program is to create openness, trust and participation such that participants in the program are able to work together to identify and deal with controversial issues, contradictions, opportunities and obstacles.

**The specific objectives of the puhlic involvement program are to:**

- Identify and actively include all people, groups and agencies that may be affected by the project.
- Provide timely opportunities throughout the process for all interests to express their views, ideas and concerns.
- Ensure that the information to be communicated is understandable, clear and concise.
- Provide for public feedback so that questions are answered and concerns acknowledged.
- Make it evident to the public that their opinions, values and ideas have been incorporated into the development of design alternatives.

### Mailing List Development

An initial project mailing list has been developed. This mailing list will be updated throughout the project.

### Public Information Meetings

The purpose of the information meeting is to provide information to the general public and to obtain their input. Information Meetings will be held at the following key points in the process:

**First information Meeting:** Describe process, discuss and obtain input to project goals and objectives and initial alternatives; respond to issues.

**Second information meeting:** Discuss and obtain input to refined set of alternatives and preliminary environmental analysis; respond to issues.

**Additional information Meetings:** To be held anytime in the process to address and resolve a particular issue.

Page 1 of 2

### Public Hearing

The purpose of the public hearing is to receive comments on EA and discuss selection of preferred alternative.

The hearings and information meetings will be open forum The meetings will be staffed by MDT personnel to provide an opportunity for the public to discuss issues one-on-one with project personnel and review information about the project.

### Small Group/Key Individual and Cooperating Agency Meetings

Small group meetings or one-on-one meetings will be held as necessary to discuss specific issues of concern to the groups or individuals.

**These meetings are anticipated with groups or key individuals, such as:**

- Business groups
- Service clubs
- City Council, County Commissioners, Mayors
- Key resource agencies
- Cooperating Agencies (Agencies with jurisdiction by law)
- Agencies with special expertise
- Land Owners

**A project news release will be developed and will be used to provide information concerning:**

- News account of the public hearing
- News account announcing the decision
- Additional news releases will be made anytime in the process to address specific concerns

Page 2 of 2



*Note:* This sample public involvement plan does not exactly mirror the level C outline. This variation was included to emphasize the need to tailor each plan to the specific project.

# Level C Public Involvement Plan - several years since last meeting *(example)*

*This is an example of a Public Involvement Plan for a project where it has been several years since the last public meeting.*

## Public Involvement Plan
## I 315 Interchange - Great Falls
## NH-IR-STPU 315-5(12)1

### Broad Goal

To get the project to contract by the end of the year with public awareness and involvement sufficient so that the project isn't stopped by poorly informed opposition.

### Goals

- Improve public awareness of purpose and need
- Disseminate info on what the improvements will be, in lay terms. Include info on traffic changes, improved safety, local government support, economic development component, funding
- Respond to public comments in a public way
- Keep in touch with the right of way acquisition, coordinate, make sure information needs are being met

### Tactics

- Produce a handout to respond to questions. Disseminate the information widely (*distribution needs to be better defined*)
- Newspaper story
- Radio, TV releases generate stories
- Newspaper ads follow up story to solicit comments
- Opportunity for interviews
- Solicit comments and respond with additional news accounts. Meet with individuals and groups to respond to questions, if we can expect that would help

### Needs

- Define 'public' specific to this instance—who are the audiences? Make a list.
- Collect a list of questions and concerns from the transcript, correspondence. Include in the notice
- Make a roster of the project team and make sure there's some good give and take taking place between team members and the general public

### Time Frame

- Details of the notice by end of day, Friday 3/11
- Distribute EA on Friday or Monday
- Finish the details of the longer notice, "everybody comments, everybody's comfortable"
- Contact newspaper Friday, interview on Monday
- Close comments April 22
- Final environmental document by May 15th
- Project ready by mid-August (mid-September right of way?)
- November letting

SAMPLE

# Level C Sample Notice/Project Fact Sheet *(example)*

*This is an example of a two-page Notice or Project Fact Sheet for a Level C project where it has been several years since the last public hearing.*

March 17, 1994

## Public Notice on I 315 Construction

The Montana Department of Transportation, the City of Great Falls and Cascade County intend to proceed with proposed construction of the I 315/14th Street SW Interchange project. Construction is tentatively scheduled to begin in late 1994 or early 1995, with preliminary work now underway.

**The project is intended to:**

- reduce traffic congestion on Fox Farm Road and at the Fox Farm Road/10th Avenue South intersection,
- remedy a safety/traffic operations problem where 13th Avenue SW (Lower Sun River Road) intersects 6th Street SW,
- improve local access and emergency services access to the area of the project and provide southwest Great Falls improved and alternative access to the major street system, and
- accommodate future residential development in the southwest Great Falls area.

The proposal consists of constructing a partial cloverleaf-style interchange about one-half mile west of the Fox Farm Road/10th Avenue South intersection. (The interchange ramps would be located east of 14th Street SW.)

**Improvements related to the project include:**

- minor widening and paving a portion of 14th Street SW,
- paving a portion of 16th Avenue SW,
- paving a portion of 16th Street SW, and
- widening the corners of 14th Street SW and Lower Sun River Road.

In addition, 18th Avenue SW will be closed just west of Treasure State Drive and 17th Avenue SW will be closed at its intersection with 14th Street SW.

A cul de sac will be built near where Lower Sun River Road intersects with 6th Street SW and the road approach will be closed. A proposal to leave the intersection open but limit use to right turns only was evaluated, but was considered unacceptable, since such use would still cause traffic and safety problems. Accommodations are planned to allow emergency vehicles access through the cul de sac.

Although some commercial development may possibly occur in the area, the project is not intended to specifically accommodate this type of development. The costs for additional public improvements to accommodate any new development would likely be borne by the developers.

The project was delayed during the '80s and early '90s due to lack of funding. But because of unanticipated circumstances, federal funding is available through the end of this year for certain types of projects including new interchanges on the Interstate System. Completing preliminary work and awarding the project to a private-sector contractor by the end of the year qualifies the project for about $2 million of these funds.



Page 1 of 2

Public Notice on I 315 Construction—continued

# Level C Notice/Project Fact Sheet *(example)* - continued

## Public Notice on I 315 Construction - continued

Cost of the project is estimated at $6 million and the balance will be paid with National Highway System and state funds. The special federal funds are not available for use on most other Great Falls area projects.

Once constructed, traffic patterns are expected to change. Generally, traffic will be diverted to 14th Street SW and I 315 as motorists use the new interchange. Traffic will be diverted from portions of Lower Sun River Road, 18th Avenue SW and Fox Farm Road.

In response to concerns raised at a hearing in the Spring of 1988, additional improvements to 14th Street SW and the paving of other streets and avenues described earlier in this notice were incorporated into the project.

An Environmental Assessment was recently completed and copies are available at the Great Falls District office of the Montana Department of Transportation (MDT), 104 18th Avenue NE. Copies can be reviewed at the City-County Planning Office in the Civic Center, the Public Library or the Great Falls Chamber of Commerce.

Comments on the project and related issues should be received by April 22 to be considered in the further develop ment of the project. Address comments to either.

Gordon Stockstad, Acting Chief
MDT Environmental & Hazardous Waste Bureau
PO Box 201001
Helena, MT 596201-1001

—or—

Hank Honeywell, Division Administrator
Federal Highway Administration
301 South Park, Drawer #10056
Helena, MT 59626-0056

Montana Department of Transportation, Public Involvement Unit, phone (406) 444-6245. TDD 444-7639. Alterna tive formats of this document can be made available on request. 3/18/94

Page 2 of 2

# Level D Public Involvement Plan *(example)*

Public Involvement Plan
Winterlake - Northview
NH-PLH 5-3(99)180F

### Overall Mission and Objectives

The overall mission of the public involvement program is to create openness, trust and participation such that participants in the program are able to work together to identify and deal with controversial issues, contradictions, opportunities and obstacles. The past history and controversy of the project will need to be acknowledged so that participants will be able to move beyond that perspective. The process will be open, participatory and responsive.

**The specific objectives of the public involvement program are:**

- To establish and maintain the credibility of the EIS process and of the EIS team.
- To identify and try to actively include all people, groups and agencies that may be affected by the project.
- To provide timely opportunities throughout the process for all interests to express their views, ideas and concerns.
- To ensure that all the information to be communicated is understandable, clear and concise.
- To provide for public feedback so that questions are answered and concerns acknowledged.
- To make it evident to the public that their opinions, values and ideas have been incorporated into the development of design alternatives.

### Mailing List Development

An initial project mailing list has been developed. This mailing list will be updated throughout the project.

### Advisory Committee Meeting

The purpose of the Advisory Committee is to provide advice. If necessary, subcommittees within this group will be formed to address site specific issues.

Advisory Committee meetings are anticipated at the following key points in the process. Advisory Committee members (or one appointed member) will also be invited to attend the ID Team meetings.

**First Meeting:** Introduce project personnel, review public involvement plan, obtain scoping input, describe scoping meetings.

**Second Meeting:** Discuss input received from scoping process, confirm and verify project goals, review project purpose and need, review alternatives.

**Third Meeting:** Review key data collected, refine alternatives based on evaluation, review preliminary analysis of alternatives.

**Fourth meeting:** Review environmental analysis findings, suggest mitigation requirements, discuss Draft EIS schedule.

**Fifth Meeting:** Strategize for upcoming hearing, receive comments on the Draft EIS.

**Sixth Meeting:** Provide input to the selection of the preferred alternative.

**Additional Meetings:** Held anytime to address and resolve an issue.

Page 1 of 3

Winterlake P.I. Plan—continued

### Scoping Meetings

The purpose of the scoping meetings is to provide information to the general public and to obtain their input. Public workshops will be held at the following key points in the process:

**First Scoping Meeting:** Introduce team, describe process, obtain scoping input.

**Second Scoping Meeting:** Discuss and obtain input to project goals and objectives and initial alternatives; respond to issues.

**Third Scoping Meeting:** Discuss and obtain input to refined set of alternatives and preliminary environmental analysis; respond to issues.

**Public Hearing:** Receive comments on Draft EIS, discuss selection of preferred alternative.

**Additional meetings:** Held anytime to address and resolve an issue.

### Small Group/Key Individual Meetings

Small group meetings or one-on-one meetings will be held as necessary to discuss specific issues of concern to the groups or individuals. These meetings are anticipated with groups or key individuals.

**Consider at least the following:**

- Business groups
- Service clubs
- Local Environmental Groups
- City Council
- County Commissioners
- Mayors
- Key businesses along Highway
- Planning Board
- Land Owners

### Interdisciplinary (ID) Team Meetings

ID Team meetings will be held at the following key points in the process. The ID Team is made up of cooperating agencies with jurisdiction by law and other agencies with needed expertise. The ID team will provide technical direction regarding such issues as wetlands, wildlife or historic or archaeological properties to enable these elements to be incorporated into the Draft EIS.

**ID Team members will be:**

- The Montana Department of Transportation
- US Army Corps of Engineers
- US Fish and Wildlife Service
- US Environmental Protection Agency
- State Historic Preservation Office
- Flathead County

Page 2 of 2

Winterlake P.I. Plan - continued

**Advisory council members will also be invited to attend ID Team meetings if they desire. Five meetings are likely in order to:**

- Obtain information about each agencies needs and requirements.
- Discuss alternatives and affected environment.
- Discuss environmental analysis results.
- Discuss mitigation plans.
- Discuss selection of preferred alternative.
- Discuss secondary and cumulative effects.

### Newsletters

**A project newsletter will be used to provide project information to a larger audience than those who may attend public workshops. The following newsletters are assumed:**

1. Announce project, announce project office, announce scoping meetings.
2. Announce second public meeting, provide summary of scoping, provide project goals and objectives, discuss initial alternatives.
3. Announce third meeting, discuss refined alternatives and initial analysis
4. Discuss environmental analysis results.
5. Announce Public Hearing.
6. Present reasons for selection of preferred alternatives.

### Telephone Hot Line

A telephone hot line will be established to provide an opportunity for the public to discuss issues one-on-one with project personnel and review information about the project.

### Radio Talk Shows/Press Releases

Radio talk shows/press releases/press meetings will be conducted periodically.

### Open Houses

Open houses will be scheduled periodically. Open houses are times at which the project staff will be at a certain location to be available to answer any questions about the project. The primary purpose for the open houses is to provide a similar situation to the Whitefish project office in other areas along the corridor.

### Static Displays

Static displays of project information are planned in highly visible, public areas.

### Public Opinion Survey

At least one general public opinion survey is planned in order to determine public attitudes, acceptability and appropriateness of transportation demand management measures such as expanded transit or car and van pool service.

Page 2 of 3



*Note:* This sample public involvement plan does not exactly mirror the level D outline. This variation was included to emphasize the need to tailor each plan to the specific project.

# Appendix B - Legal Requirements and Guidelines for Public Involvement (CFR 771)

The National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) dictate many aspects of the environmental review process and public involvement. The Code of Federal Regulations (CRF) contains specific regulatory provisions by CEQ and FHWA implementing NEPA and 23 USC 128.

Highlights and references are found on this page and the few pages that follow. For more details, contact the Public Involvement Unit or the Environmental and Hazardous Waste Bureau.

CEQ regulations do not specify a notification period for a public hearing, but rather require the availability of the draft environmental impact statement (EIS) at least 15 days in advance of the hearing, if the draft EIS is to be considered at the hearing (CEQ regulations, 1506.6(c)(2)).

This draft EIS availability period should not be construed as a blanket endorsement of a 15-day public hearing notification period. A longer period may be needed for some projects in order for citizens and local governments to have sufficient time to familiarize themselves with a proposal prior to the public hearing. Less than a reasonable period of notification would be contrary to the CEQ regulations requiring agencies to make diligent efforts to involve the public in the implementation of NEPA procedures.

**The following are recommended minimum periods for public hearing notices by project type:**

- Projects with significant environmental impacts (e.g., those processed with an EIS) or significant public interest/controversy - an initial 30-day notice with a second notice 5-12 days in advance of the hearing.
- Other projects (e.g., noncontroversial projects processed with FONSIs or as categorical exclusions) - a 15-day notice.

If the draft EIS is available to the public 30 days before the hearing, its availability will coincide with the recommended 30-day hearing notice. Then, 15 days for comments after the public hearing will fulfill the 45-day comment period on the draft EIS (CEQ regulations, 1506.10(c)).

State highway authorities must publish a public notice of the availability of the environmental assessment (EA) or of the draft EIS (Pursuant to 23 CFR 771.119(e) and 23 CFR 771.123(h)). The required notice of availability can be combined with the public hearing notice. If a public hearing is not held, the notice of availability is published in the same manner as a public hearing notice. Distribution of the EA to interested members of the public is encouraged. Distribution of the draft EIS to interested members of the public is required (23 CFR 771.123(g)(i)).

**In addition to the time and location of the public hearing, the notice can include, as appropriate, the following types of information:**

- A map or other description of the project's location.
- The project's major features or issues.
- A description of the public hearing agenda.
- Availability of information on the relocation assistance program.
- Wetland impacts or significant floodplain encroachments, as required by Executive Orders.

Public notices can be published in a variety of ways. The objective is to select a way or combination of ways which will effectively reach interested or affected individuals and groups. News articles or formal announcements in newspapers of general circulation are recommended as a basic means of notification. They can then be supplemented, as appropriate, by other means such as notice by mail, minority or community media, fliers, and posters.

Notification to the general public combined with measures to ensure that special groups receive effective notice has the potential to reduce disproportionate attendance by particular groups.

### Legal Notices

There is no Federal requirement that a public hearing notice appear in the legal notices section of newspapers. In fact, legal notices are a poor way to communicate with the public. Seek advice before you decide to place a formal legal notice, since there may be better ways to handle the notice.

When hearings are held jointly with other agencies, the notice requirements of all involved agencies can be met with a coordinated effort. Other agencies with public involvement requirements can often supply mailing lists of organizations and individuals interested in particular project issues.

### Transcripts

For a project involving an EIS or one that's controversial, prepare a transcript of the public hearing and minutes of any other meetings. For a routine project having good support, prepare a summary of the public meeting.

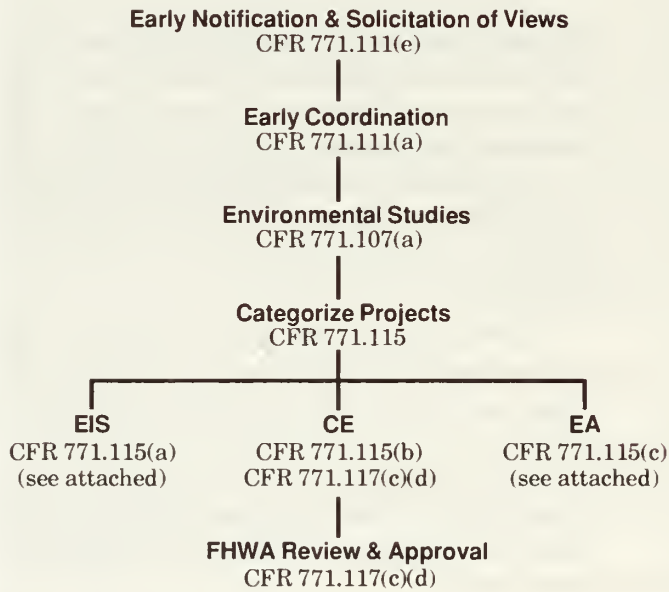
### Reevaluation

Additional public involvement must be considered during project reevaluations, especially when substantial changes to the project transpired since the prior public involvement process was completed.

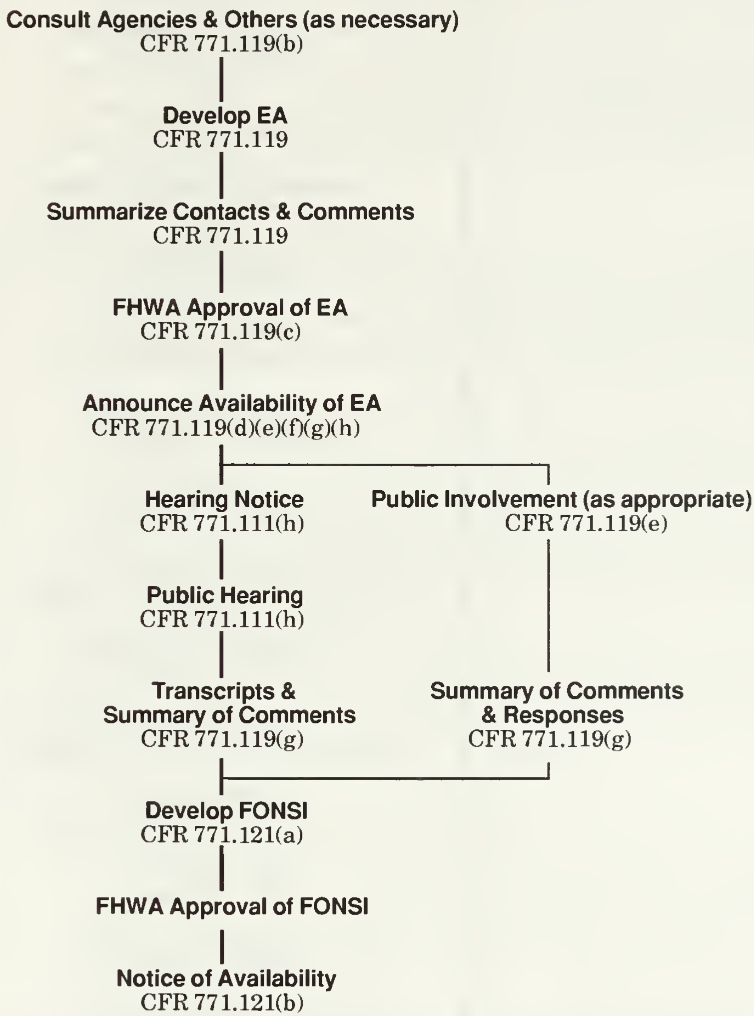
## Legal Requirements and Guidelines - continued

The chart below and on the following pages highlight the steps in the environmental review and public involvement processes and indicate references to federal regulation (CFR). For details or a copy of the regulation, contact Legal Services or the Public Involvement Unit.

### Early Project Development Process



## EA Flow Chart



## EIS Flow Chart

**Notice of Intent**
CFR 771.123(a)

**Local Announcement**
CFR 771.123(a)

**Scoping**
CFR 771.123(b)

**Request Cooperating Agencies**
CFR 771.111(d)

**Develop DEIS**
CFR 771.123(c)

**FHWA Approval**
CFR 771.123(e)

**Availability Notices**
CFR 771.123(g)(h)(i)

**Circulate DEIS**
CFR 771.123(f)(g)(h)

**Public Hearing**
CFR 771.111(h) & CFR 771.123(h)

**Transcripts & Certifications**
CFR 771.113 (a) (2)

**Develop FEIS**
CFR 771.125(a) & CFR 771.129(b)(c)

**FHWA Approval**
CFR 771.125(c)

**Circulate FEIS**
CFR 771.125(g)

**Availability Notices**
CFR 771.125 (g) & CFR 771.127(a)

**Record of Decision**
CFR 771. 127

**Implementation**

**Reevaluation**
CFR 771. 129

# Appendix C - Relevant Environmental Policy Acts

## National Environmental Policy Act
## 42 USC Sec. 4321/Title 42, Chapter 55

### Statute

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality. (Pub. L. 91-190, Sec. 2, Jan. 1, 1970, 83 Stat. 852.)

### National Environmental Policy Act

National Environmental Policy Act of 1969: A law that requires Federal agencies to consider in their decisionmaking processes the potential environmental effects of proposed actions and analyses of alternatives and measures to avoid or minimize any adverse effects of a proposed action.

**Alternatives:** The range of reasonable options, including not taking any action (the No Action alternative), considered in selecting an approach to meeting the need for agency action.

**Environmental Impact Statement:** A detailed environmental analysis for a proposed major Federal action that could significantly affect the quality of the human environment. A tool to assist in decision- making, it describes the positive and negative environmental effects of the proposed undertaking and alternatives.

**Record of Decision:** A concise public record of DOE's decision, which discusses the decision, identifies the alternatives (specifying which ones were considered environmentally preferable), and indicates whether all practicable means to avoid or minimize environmental harm from the selected alternative were adopted (and if not, why not).

### National Environmental Policy Act of 1969

Title I of the 1969 NEPA requires that all Federal agencies prepare detailed environmental impact statements for "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment."

The 1969 statute stipulated the factors to be considered in environmental impact statements, and required that Federal agencies employ an interdisciplinary approach in related decision-making and develop means to ensure that unquantified environmental values are given appropriate consideration, along with economic and technical considerations.

## National Environmental Policy Act - continued

Title II of this statute requires annual reports on environmental quality from the President to the Congress, and established a Council on Environmental Quality in the Executive Office of the dent with specific duties and functions.

Amendments enacted in 1975 authorized additional appropriations for the Council on Environmental Quality (P.L. 94-52) and contained various administrative provisions.

## Montana Environmental Policy Act 75-1-101

### 75-1-102 Purpose

The purpose of parts 1 through 3 is to declare a state policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man, to enrich the understanding of the ecological systems and natural resources important to the state, and to establish an environmental quality council.

### 75-1-103 Policy

**(1)** The legislature, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Montana, in cooperation with the federal government and local governments and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can coexist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Montanans.

**(2)** In order to carry out the policy set forth in parts 1 through 3, it is the continuing responsibility of the state of Montana to use all practicable means consistent with other essential considerations of state policy to improve and coordinate state plans, functions, programs, and resources to the end that the state may:

**(a)** fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

**(b)** assure for all Montanans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) preserve important historic, cultural, and natural aspects of our unique heritage and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(e) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(f) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(3) The legislature recognizes that each person shall be entitled to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

### 75-1-104 Specific statutory obligations unimpaired

Nothing in 75-1-103 or 75-1-201 shall in any way affect the specific statutory obligations of any agency of the state to:

(1) comply with criteria or standards of environmental quality;

(2) coordinate or consult with any other state or federal agency; or

(3) act or refrain from acting contingent upon the recommendations or certification of any other state or federal agency.

### 75-1-105 Policies and goals supplementary

The policies and goals set forth in parts 1 through 3 are supplementary to those set forth in existing authorizations of all boards, commissions, and agencies of the state.

### 75-1-201 General directions - environmental impact statements

(1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in parts 1 through 3;

**(b)** all agencies of the state, except as provided in subsection (2), shall:

**(i)** utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

**(ii)** identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

**(iii)** include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

**(A)** the environmental impact of the proposed action;

**(B)** any adverse environmental effects which cannot be avoided should the proposal be implemented;

**(C)** alternatives to the proposed action;

**(D)** the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

**(E)** any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

**(iv)** study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

**(v)** recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

**(vi)** make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

**(vii)** initiate and utilize ecological information in the planning and development of resource-oriented projects; and

**(viii)** assist the environmental quality council established by 5-16-101; and

**(c)** prior to making any detailed statement as provided in subsection (1)(b)(iii), the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies which are authorized to develop and enforce environmental standards shall be made available to the governor, the environmental quality council, and the public and shall accompany the proposal through the existing agency review processes.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